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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,557	01/04/2001	James B. Wilson	INTL-0523-US (P10882)	3714
7590 11/16/2004			EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			BARNES, CRYSTAL J	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 11/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/754,557

Applicant(s)

WILSON, JAMES B.

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10, 15-20 and 25-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 4, 14 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to Amendment received on 01 September 2004. Claims 1-30 remain pending in this application.

#### ***Drawings***

2. The drawing was received on 01 September 2004. This drawing is acceptable.

#### ***Specification***

3. The drawing correction was received on 01 September 2004. This correction is acceptable.

#### ***Response to Arguments***

4. Applicant's arguments, see Remarks, filed 01 September 2004, with respect to the rejections of claims 1-3, 11-13 and 21-23 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of USPN 5,784,555 to Stone.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 11-13 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,784,555 to Stone.

As per claim 1, the Stone reference disclose a method comprising: enabling a component (see column 5 lines 3-16, "network devices 54, 55") to connect to a network (see column 5 lines 31-33, "Internet or other computer network") through a software layer (see column 5 lines 58-62, "network programming interface 58"); and using the layer ("network programming interface 58") to accommodate at least two different types of network connections (see column 6 lines 39-55, "network protocols 60, 61").

As per claim 2, the Stone reference discloses enabling a component ("network devices 54, 55") to connect to a network ("Internet or other computer network") includes enabling a component ("network devices 54, 55") to connect

through an interface ("network programming interface 58") to the Internet ("Internet").

As per claim 3, the Stone reference discloses including using the layer ("network programming interface 58") to accommodate for a dial up connection (see column 6 lines 39-49, "network protocol 60" and column 5 lines 7-9, "dial-up devices") and a digital subscriber line (see column 6 lines 49-55, "network protocol" 61 and column 5 lines 10-12, "dedicated connection network devices").

As per claim 11, the Stone reference discloses an article comprising a medium (see column 4 lines 4-11, "memory system 26") storing instructions (see column 4 lines 28-32, "application program") that enable a processor-based system (see column 3 lines 55-60, "computer system 20") to: enable a component (see column 5 lines 3-16, "network devices 54, 55") to connect to a network (see column 5 lines 31-33, "Internet or other computer network") through a software layer (see column 5 lines 58-62, "network programming interface 58"); and use the layer ("network programming interface 58") to accommodate at least two different types of network connections (see column 6 lines 39-55, "network protocols 60, 61").

As per claim 12, the Stone reference discloses further storing instructions ("application program") that enable the processor-based system ("computer system 20") to enable a component ("network devices 54, 55") to connect through an interface ("network programming interface 58") to the Internet ("Internet").

As per claim 13, the Stone reference discloses further storing instructions ("application program") that enable the processor-based system ("computer system 20") to use the layer ("network programming interface 58") to accommodate for a dial up connection (see column 6 lines 39-49, "network protocol 60" and column 5 lines 7-9, "dial-up devices") and a digital subscriber line (see column 6 lines 49-55, "network protocol" 61 and column 5 lines 10-12, "dedicated connection network devices").

As per claim 21, the Stone reference discloses a system comprising: a processor (see column 3 lines 55-60, "CPU 24"); a network interface (see column 5 lines 58-62, "network programming interface 58") coupled to said processor ("CPU 24"); and a storage (see column 4 lines 5-11, "memory system 26") storing instructions (see column 4 lines 28-32, "application program") that enable the system (see column 4 lines 51-54, "computer system 20") to enable a component (see column 5 lines 3-16, "network devices 54, 55") to connect to a network (see

column 5 lines 31-33, "Internet or other computer network") through a software layer (see column 5 lines 58-62, "network programming interface 58"); and use the layer ("network programming interface 58") to accommodate at least two different types of network connections (see column 6 lines 39-55, "network protocols 60, 61").

As per claim 22, the Stone reference discloses the storage ("memory system 26") stores instructions ("application program") that enable the component ("network devices 54, 55") to connect through an interface ("network programming interface 58") to the Internet ("Internet").

As per claim 23, the Stone reference discloses said storage ("memory system 26") stores instructions ("application program") to enable the processor ("CPU 24") to use the layer ("network programming interface 58") to accommodate for a dial up connection (see column 6 lines 39-49, "network protocol 60" and column 5 lines 7-9, "dial-up devices") or a digital subscriber link (see column 6 lines 49-55, "network protocol" 61 and column 5 lines 10-12, "dedicated connection network devices").

*Allowable Subject Matter*

7. Claims 4, 14 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 5-10, 15-20 and 25-30 are allowable.

9. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 5, 15 and 25, the prior art of record taken alone or in combination fails to teach determining when both clients have released the connection and discontinuing the connection when both clients have released the connection.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to accessing networks in general:



USPN 5,633,810 to Mandal et al.

USPN 5,732,213 to Gessel et al.

USPN 6,049,821 to Murphy, Jr. et al.

USPN 6,233,604 B1 to Van Horn et al.

USPN 6,587,877 B1 to Douglass et al.

USPN 6,714,931 B1 to Papierniak et al.

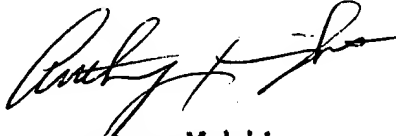
USPN 6,804,500 B1 to Chandran

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB  
8 November 2004



Anthony Knight  
Supervisory Patent Examiner  
Group 3600